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May 19, 2006

Department of Ecology  
State of Washington  
Olympia, WA 98504-7600

Comments on Draft Phase II Permit for Eastern Washington

This letter is submitted in response to Department of Ecology's (DOE) request for comments on the *Formal Draft Phase II Permit for Eastern Washington*.

Schweitzer Engineering Laboratories, Inc., is a high technology manufacturer based in Pullman, Washington. We provide equipment and complete systems for the protection, monitoring, control, automation and metering of electric power systems. We employ more than 1,200 people worldwide, 900 of whom work in Pullman.

Since our founding in 1982, our company has experienced continued growth in Pullman. Regulations such as the Draft Phase II Permit will mean significant added costs, and implementation will not accomplish the goals you seek: increasing the clarity and purity of the streams and navigable waters of the State of Washington.

The Draft Phase II Permit for Eastern Washington states that Ecology will make a case-by-case determination whether a city will be a "regulated small MS4". The language of The Phase II Permit implies that such designation will be determined if Criteria 1 or 2 and Criteria 3 or 4 are met or if Section B. Additional Designation Criteria are met. These criteria are not Environmental Protection Agency (EPA) requirements.

Following are our specifics comments, and we ask that you give every consideration to the suggestions and concerns we raise.

**Criteria 1 and 2:** We submit that including Pullman as a regulated small MS4 is premature and will have no significant impact on improving the quality of the river. The data being used by Ecology is over 10 years old.

Pullman and the area surrounding area can be described as having rolling hills, steep slopes and highly erodible soils. The surrounding areas both preceding and following Pullman's contact with the South Fork of the Palouse River are agricultural in nature and exempt from regulation under the act. These areas are substantial and probably primary contributors to any pollution reaching the river.

Ecology plans to begin conducting a Total Maximum Daily Load (TMDL) comprehensive drainage basin study this summer and completing it by 2009. We were, until quite recently, unaware of this proposed activity and how it was initiated. We remain today still unaware of the details and request a documented chronology of origins of it.

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If this study is to go forward, we recommend that inclusion of Pullman, Washington State University, or any other jurisdiction within this area be delayed until scientific data is available to justify such inclusion.

**Criteria 3:** S1.B.3 specifies DOE has tentatively decided to include Pullman as a regulated small MS4. The population of Pullman is only 26,590. That total includes those who live here on a year-around basis, as well as the student population, which is approximately 18,000. That student population includes many who do not reside here permanently, i.e., they are not registered voters and maintain permanent residence in another part of Washington or outside the state. If the population were to be considered on an average annual basis, the City of Pullman would be significantly below the technical threshold established by the Dept. of Ecology, which is 25,000. Pullman is already below the federal standard (50,000) set by the U.S. Environmental Protection Agency for inclusion as “regulated small MS4s”.

**Criteria 4:** This criterion requires that Pullman be contiguous to a regulated MS4. Pullman, WSU and all other portions of the city are not contiguous to any urban area. Therefore, inclusion based on these criteria would not apply.

In summary, SEL firmly believes that existing scientific data does not warrant inclusion of the City of Pullman, WSU or any other jurisdiction adjacent to the South Fork of the Palouse River. Such inclusion is premature and over burdensome. It should be obvious that an agency beginning a study to determine the levels and areas of pollution input to a water body should await the outcome of its study before making its decisions that will be impacted by that study.

Sincerely,

Susan Fagan  
Director of Public  
Schweitzer Engineering Laboratories, Inc.

cc: John Sherman, Pullman City Supervisor